



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

By Electronic Mail
Prompt Reply Necessary

Mr. John Pezzillo, CEO
SantoLubes Manufacturing LLC
PO Box 6740
Spartanburg, SC 29302

RE: Pierson's Creek Superfund Site
Request for Information Pursuant to 42 U.S.C. §§ 9601-9675

Dear Mr. Pezzillo:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or the "Superfund law"), 42 U.S.C. §§ 9601-9675.

This letter seeks the cooperation of SantoLubes Manufacturing LLC ("SantoLubes") in providing information relating to the contamination of the Pierson's Creek Superfund Site ("Site") located in Newark, New Jersey, and any information you provide that may assist EPA in its investigation of the Site. EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants at the Site. Under Section 104(e)(2) of CERCLA, EPA has broad information gathering authority, which allows EPA to require persons to provide information and/or documents relating to, among other things, materials generated, treated, stored, or disposed of at or transported to a facility and the nature and extent of a release of a hazardous substance or pollutant or contaminant at or from a facility. EPA may also request information pertaining to the ability of a person to pay for or perform a cleanup. Additional information about the Superfund law may be found at <https://www.epa.gov/superfund/superfund-cercla-overview>.

Upon information and belief, SantoLubes acquired Prentiss Drug and Chemical Company (“Prentiss”) in approximately 2009. In the enclosed Request for Information, EPA seeks information regarding the acquisition of Prentiss by SantoLubes and its current relationship with Prentiss. EPA also believes that your company may possess information pertaining to the former Prentiss facility located at the Site on Wilson Avenue in Newark, New Jersey. Specifically, EPA seeks information concerning the generation, storage, treatment, transportation, and disposal methods of potential hazardous substances at the former Prentiss facility.

We encourage you to give this matter your immediate attention. A complete and truthful response to the attached Request for Information should be provided **within 30 days** of your receipt of this letter. Should this deadline be difficult to meet in light of the COVID-19 situation, please contact the EPA individuals identified below to discuss an alternative response due date.

While EPA seeks your cooperation in this investigation, compliance with this Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A. When you have prepared your response to the Request for Information, contained in Attachment B, please sign the enclosed “Certification of Answers to Request for Information” and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law (18 U.S.C. § 1001). In addition, CERCLA Section 104(e) authorizes EPA to pursue penalties for failure to comply with Requests for Information. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold from EPA the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions Section in Attachment A, including the requirement for supporting your claim for confidentiality.

Please further note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

See the enclosed Instructions for information on how to respond to the enclosed questions. If you are able to send your response to this Request for Information by electronic mail, please send

electronic copies (PDF or JPEG) to the following individuals at the e-mail addresses below. Hard copies of your response should be mailed to:

Pamela Tames, P.E., Remedial Project Manager
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
290 Broadway - 19th Floor
New York, NY 10007-1866
tames.pam@epa.gov

with a copy to:

Amelia Wagner, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway - 17th Floor
New York, NY 10007-1866
wagner.amelia@epa.gov

If you wish to discuss this further, please contact Ms. Tames at (212) 637-4255 with technical questions or Ms. Wagner at (212) 637-3141 with legal questions. Please note that all communications from attorneys should be directed to Ms. Wagner.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

ERIC WILSON
Digitally signed by ERIC
WILSON
Date: 2021.03.05 13:06:11
-05'00'

Eric J. Wilson, Deputy Director
Enforcement and Homeland Security
Superfund and Emergency
Management Division

Attachments

cc: Pamela Tames, P.E., EPA
Amelia Wagner, Esq., EPA

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question. For each question contained in this letter, if the information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, email address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with its addresses. If anything is omitted from a document produced in your response to the Request for Information, state the reason for and the subject matter of the omission.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be specific.

9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which the confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA review. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e)(7) and EPA's pre-disclosure notification procedures. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you. EPA provides no assurances that all information that

you assert as confidential business information will not be publicly disclosed. Any determination regarding public disclosure will be based on a review of the information and relevant countervailing factors.

B. Definitions

1. The term “**arrangement**” shall include every separate contract or other agreement between two or more persons, whether written or oral.
2. The term “**document**” and “**documents**” shall include any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in the company’s possession, custody, or control or known by the company to exist, including originals and all non-identical copies.
3. The terms “**facility**,” “**hazardous substance**,” and “**person**” shall have the meanings set forth in Section 101(9), (14), and (21) of CERCLA, 42 U.S.C. §9601(9), (14), and (21) respectively.
4. The terms “**disposal**,” “**hazardous waste**” and “**storage**” shall have the meanings contained in Sections 1004(3), (5) and (33) of Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. Sections 6903(3), (5) and (33), respectively.
5. The term “**identify**” means, with respect to a natural person, to set forth the person’s name, present or last known employer, business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term “**identify**” means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
6. The term “**material**” or “**materials**” shall include any and all objects, goods, substances, or matter of any kind, including, but not limited to, wastes.
7. The term “**Newark Facility**” refers to the facility located at 338 Wilson Avenue in Newark, NJ, where Prentiss Drug and Chemical Company, Inc. operated.
8. The term “**pollutant or contaminant**” shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants or contaminants with any other substances.

9. As used herein, the term **“Prentiss”** refers to Prentiss Drug and Chemical Company, Inc. and its successor(s) in interest as it is currently named and constituted.
10. The term **“release”** shall have the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
11. As used herein, the term **“SantoLubes”** refers to SantoLubes Manufacturing, LLC.
12. The term **“Site”** shall mean the Pierson’s Creek Superfund Site, which includes Pierson’s Creek and all tributaries to Pierson’s Creek. The Site is located in Newark, NJ and begins in the vicinity of Avenue L and proceeds through open drainage ditches and culverts and covered pipes until it discharges into the Port Newark slip of Newark Bay.
13. The term **“you”** shall mean the addressee of this Request for Information and the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns or agents having information pertaining to Prentiss Drug and Chemical Company, Inc., which was formerly located on Wilson Avenue in Newark, New Jersey.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

1. Please describe, in detail, the transaction in which SantoLubes acquired Prentiss, including the date on which the acquisition became final, and please state whether the transaction consisted of a merger, consolidation, sale or transfer of assets. Please also describe in detail any past and present relationship between SantoLubes and Prentiss.
2. Is SantoLubes the successor to any liabilities of Prentiss, including those under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA")? If "yes," please state whether SantoLubes is the successor to all liabilities of Prentiss or to specified liabilities (and which ones). If "no," please identify the current successor to Prentiss' CERCLA liability, if any, with respect to the Pierson's Creek Superfund Site.
3. Has SantoLubes sold or otherwise divested itself of any stock, assets, or other interest in Prentiss since it acquired Prentiss? If "yes," please fully describe the sale and/or transaction, including whether it consisted of a merger, consolidation, sale or transfer of assets, and whether the acquiring or other corporation assumed any of Prentiss' liabilities, including liability under CERCLA, or whether SantoLubes agreed to retain or indemnify the acquiring entity with respect to any of Prentiss' liabilities. Please provide documentation of any agreements, express or implied, for the acquiring entity to assume Prentiss' liabilities, or for SantoLubes to retain or indemnify the acquiring entity for Prentiss' liabilities. List the complete legal names of any corporations created, renamed, merged, or dissolved through such transactions and identify which such action applies to which corporation.
4. Please describe all present and past relationships between Prentiss and each of the entities listed below. Please state whether there ever was a merger, consolidation, sale or transfer of assets between Prentiss and each of the listed entities. For each such transaction, please describe the transaction in detail, including dates, and list the complete legal names of the entities created, renamed, merged, or dissolved through such transactions. For each transaction, which entity retained or assumed liabilities of the prior entity? Please provide documentation of any agreements, express or implied, for any of the companies listed below to assume Prentiss' liabilities, including Prentiss' liability under CERCLA.
 - a. Central Garden and Pet Company
 - b. Central Life Sciences
 - c. Envincio, LLC
 - d. Wellmark International
 - e. Zöecon

5. Describe in detail all manufacturing processes conducted by Prentiss at the Newark Facility, including all products manufactured at the facility, and identify the years in which each process was conducted.
6. Did Prentiss utilize, manufacture, discharge, release or dispose of any material containing the following substances at the Newark Facility:
 - a. 2,3,7,8 - tetrachlorodibenzo-p-dioxin (Yes/No)?
 - b. Other dioxin compounds (Yes/No)?
 - c. Aldrin (Yes/No)?
 - d. Antimony (Yes/No)?
 - e. Arsenic (Yes/No)?
 - f. Benzene (Yes/No)?
 - g. Cadmium (Yes/No)?
 - h. Chromium (Yes/No)?
 - i. Chlordane (Yes/No)?
 - j. Copper (Yes/No)?
 - k. Dichloro-diphenyl-trichloroethane (DDT) (Yes/No)?
 - l. Dieldrin (Yes/No)?
 - m. Ethyl benzene (Yes/No)?
 - n. Lead (Yes/No)?
 - o. Lindane (Yes/No)?
 - p. Manganese (Yes/No)?
 - q. Mercury (Yes/No)?
 - r. Pentachlorophenol (Yes/No)?
 - s. Perfluorooctanoic acid (PFOA) (Yes/No)?
 - t. Perfluorooctanesulfonic acid (PFOS) (Yes/No)?
 - u. Polyaromatic Hydrocarbons (PAHs) (Yes/No)? If “Yes,” please list the specific compounds.
 - v. Polychlorinated biphenyls (PCBs) (Yes/No)? If “Yes,” please specify all Aroclors and other mixtures that were used.
 - w. Silver (Yes/No)?
 - x. Toluene (Yes/No)?

- y. Xylene (Yes/No)?
 - z. Zinc (Yes/No)?
7. For process wastewaters that contained any hazardous substances generated at the Newark Facility during the time of Prentiss' operations:
- a. What was the source of the wastewater?
 - b. Where was the wastewater discharged and during what years?
 - c. Was the wastewater discharged into a sanitary sewer and if so, during what years?
 - d. Was the wastewater treated before being discharged to the sanitary sewer and if so, how?
 - e. Please provide the results of any analyses performed on any waste process streams generated at the facility.
 - f. For floor drains or other disposal drains at the facility:
 - i. Did the drains connect to a sanitary sewer and if so, during what years?
 - ii. If the floor drains or other disposal drains at the facility did not discharge to the sanitary sewer, where did they discharge and during what years?
 - g. Did any storm sewers, catch basins or lagoons exist at any time at the facility and if so, during what years?
 - i. If catch basins or lagoons existed, were they lined or un-lined?
 - ii. What was stored in the lagoons?
 - iii. Where was the discharge from any of these structures released and during what years? Was this discharge treated before its release and if so, how and during what years? What was the chemical content of any waste waters released?
8. Please supply diagrams of any wastewater collection, transport or disposal systems at the Newark Facility, including sub-floor piping within building foundations during Prentiss' operations.
9. Were any hazardous substances or wastes, disposed of in or discharged to Pierson's Creek or any of its tributaries at or from the Newark Facility during the time of Prentiss' operations? Identify the hazardous waste and estimate the amount of waste discharged to or disposed of in Pierson's Creek including its tributaries and the frequency with which this discharge or disposal occurred.
10. Please identify any leaks, spills, explosions, fires or other incidents that occurred at the Newark Facility during the time of Prentiss' operations that resulted in a release of hazardous substances, or waste.
- a. Please describe each such incident in detail, including whether hazardous substances or waste was released onto the property, into the wastewater or storm

drainage system at the Newark Facility or to Pierson's Creek or its tributaries. Provide any documents or information describing these incidents.

- b. Please provide the results of any sampling of the soil, water, air or other media after each such incident and after clean-up.
11. Was the Newark Facility ever subject to flooding during Prentiss' operations? If so, was the flooding due to overflow from sanitary or storm sewer back-up, and/or flood overflow from Pierson's Creek or its tributaries? Please provide the date and duration of each flood event.
12. Please provide a detailed description of any civil, criminal or administrative proceedings against Prentiss for violations of any local, state or federal laws or regulations relating to water pollution or hazardous waste generation, storage, transport or disposal at the Newark Facility.
13. Was any fill placed on at the Newark Facility during the time of Prentiss' occupation of the facility? If so, please identify the volume of fill used and when and where it was placed, and provide the analytical results of any samples collected from the fill.
14. Please identify whether Prentiss owned or leased the Newark Facility during the entire time of its operations there.
 - a. If Prentiss owned the facility, from whom did the company purchase the Newark Facility and in what year? To whom did Prentiss sell the Newark Facility and in what year? Please provide copies of any deeds or other documents of sale that document Prentiss' ownership of the Newark Facility.
 - b. If Prentiss leased the Newark Facility, from whom did Prentiss lease or rent the Newark Facility and for what years? Please identify the owner of the Newark Facility during the time of Prentiss' lease, and provide copies of any lease or rental agreements.
 - c. Please describe the relationship, if any, between Prentiss and any of the parties that operated the Newark Facility prior to and after Prentiss occupied the facility.
15. Please provide the name and contact information of any other persons who may have information that identifies the successor(s) to Prentiss' CERCLA liability for the Site.
16. Please provide the name and contact information of any other persons who may have information regarding Prentiss' former operations at 338 Wilson Avenue in Newark, New Jersey.

17. Provide the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to the "Request for Information" and specify the question to which each person assisted in responding. Please include the names and addresses of individuals or former employees who were contacted to respond to any of the questions.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of perjury that I am authorized to respond on behalf of SantoLubes Manufacturing LLC, I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that SantoLubes is under a continuing obligation to supplement this response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or this response thereto should become known or available to me or SantoLubes after submitting this response.

Executed on _____, 2021

NAME (print or type)

TITLE (print or type)

SIGNATURE